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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,523	04/18/2000	Pallavi Shah	83000.1069/P3523	1872
23879	7590	08/02/2004	EXAMINER	
BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899			HA, LEYNNA A	
		ART UNIT		PAPER NUMBER
		2135		11

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/551,523	SHAH ET AL. <i>[Signature]</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	LEYNNA T. HA	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 April 2004.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 49-96 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 49-96 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. Claims 49-96 have been examined and is rejected under 35 U.S.C. 102(b). This is a FINAL rejected necessitated by new grounds of rejection.

**Claim Rejections - 35 USC § 102**

*The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. ***Claims 49-96 rejected under 35 U.S.C. 102(b) as being anticipated by Beyers, II et al. (US 5,235,619).***

**As per claim 49:**

A method for controlling access to a continuous stream of a content transmitted over a plurality of communication paths, the method comprising: transmitting from a server a plurality of notifications for determining a sequence of transmission of said continuous stream of said content via a plurality of communication paths; [COL.13, lines 30-34 and COL.19, lines 3-

obtaining by a client said plurality of notifications; **[COL.9, lines 26-30]**  
transmitting from said server said continuous stream of said content via said  
plurality of communication paths according to said sequence of transmission;

**[COL.17, lines 15-20 and COL.21, lines 24-27]**

and obtaining by said client said continuous stream of said content by  
automatically switching communication paths in accordance with said  
sequence of transmission of said content based on said plurality of obtained  
notifications. **[COL.17, lines 63-67 and COL.19, lines 55-67]**

**As per claim 50:** See col.21, lines 4-15; discussing a plurality of notifications  
is transmitted from said server at irregular intervals.

**As per claim 51:** See col.20, lines 8-13; discussing a sequence of transmission  
of said content determines which communication paths contain which parts of  
said continuous stream of said content at a given time.

**As per claim 52:** See col.40, lines 58-63 and col.42, lines 2-25 **[encoding the  
notifications but be performed prior to transmission if decoding is taught];**  
discussing a plurality of notifications are each encrypted prior to transmission  
from said server.

**As per claim 53:** See col.6, lines 27-29 and col.11, lines 61-64 col.21, lines  
30-32; discussing a descrambler for decrypting said plurality of notifications  
and wherein said plurality of encrypted notifications are decrypted by said  
descrambler prior to said obtaining by said client said continuous stream of  
said content.

**As per claim 54:** See col.11, lines 17-18 and col.14, lines 1-5 [**the notifications and frequencies are encoded and scrambled not the content;**] discussing a continuous stream of said content is not encrypted prior to transmission on said plurality of communication paths.

**As per claim 55:** See col.9, lines 25-27; discussing a continuous stream of said content comprises an individual television program.

**As per claim 56:** See col.19, lines 3-5 and 55-67; discusses viewing said continuous stream of said content via said client without being aware of said automatically switching of said communication paths.

**As per claim 57:** See col.11, lines 11-22, col.12, lines 6-10, and col.14, lines 36-42; discussing a switching of said communication paths prevents a non-authorized viewer from viewing said continuous stream of said content.

**As per claim 58:**

A method for controlling access to a content having a plurality of parts transmitted over a plurality of communication paths, the method comprising: transmitting an encrypted notification of a communication path on which a part of said content will be transmitted at a given time; [**COL.20, lines 66-68 COL.40, lines 58-63 and COL.42, lines 2-25; encoding the notifications but be performed prior to transmission if decoding is taught]** transmitting said part of said content on said communication path at said given time; [**COL.18, lines 15-17**]

transmitting another encrypted notification of another communication path on which another part of said content will be transmitted at another given time;

**[COL.8, lines 20-27 and COL.20, lines 66-68]**

and transmitting said another part of said content on said another communication path at said another given time. **[COL.20, lines 8-12 and COL.21, lines 6-15]**

**As per claim 59:** See col.6, lines 15-22 and col.14, lines 6-10 and 55-57; discussing a transmitting said another encrypted notification and said transmitting said another part of said content are repeated until all parts of said content have been transmitted.

**As per claim 60:** See col.9, lines 25-27; discussing a content comprises a continuous stream of an individual television program.

**As per claim 61:** See col.21, lines 4-15; discussing pluralities of notifications are transmitted at irregular intervals.

**As per claim 62:** See col.6, lines 27-29 and col.11, lines 61-64 col.21, lines 30-32; discusses viewing said plurality of parts of said content via an authorized client, wherein each of said plurality of notifications is decrypted at said authorized client prior to transmission of said corresponding part of said content.

**As per claim 63:** See col.11, lines 17-18 and col.14, lines 1-5 [**the notifications and frequencies are encoded and scrambled not the content;**

discussing plurality of parts of said content are not encrypted prior to transmission on said plurality of communication paths.

**As per claim 64:** See col.19, lines 58-64; discussing a viewing said plurality of parts of said content via a client that automatically switches to said communication path and to said another communication path based on said plurality of notifications.

**As per claim 65:** See col.11, lines 11-22, col.12, lines 6-10, and col.14, lines 36-42; discussing a transmitting said part of said content on said communication path and said transmitting said another part of said content on said another communication path prevent a non-authorized viewer from viewing said plurality of parts of said content.

**As per claim 66:**

A method for controlling access to a content transmitted over a plurality of communication paths, the method comprising:

transmitting a notification of a communication path on which a part of said content will be transmitted at a given time from a server to a client;

**[col.6, lines 15-22 and col.18, lines 1-17]**

switching automatically by said client of said communication path;

**[col.19, lines 58-64]**

transmitting said part of said content on said communication path at said given time to said client; **[COL.18, lines 15-17]**

viewing said part of said content on said communication path via said client;

**[COL.11, lines 4-22]**

transmitting another notification of another communication path on which another part of said content will be transmitted at another given time from said server to said client; **[COL.8, lines 20-27 and COL.20, lines 66-68]**

switching automatically by said client of said another communication path;

**[col.19, lines 58-64]**

transmitting said another part of said content on said another communication path at said another given time to said client; **[COL.20, lines 8-12 and COL.21, lines 6-15]**

and viewing said another part of said content on said communication path via said client. **[COL.12, lines 4-9]**

**As per claim 67:** See col.6, lines 15-22, col.14, lines 6-10 and 55-57, and col.19, lines 58-64; discussing a transmitting said another notification, said automatic switching by said client of said another communication path, said transmitting said another part of said content, and said viewing said another part of said content are all repeated until all parts of said content have been transmitted.

**As per claim 68:** See col.9, lines 25-27; discussing a content comprises a continuous stream of an individual television program.

**As per claim 69:** See col.21, lines 4-15; discussing pluralities of notifications are transmitted from said server at irregular intervals.

**As per claim 70:** See col.40, lines 58-63 and col.42, lines 2-25 [**encoding the notifications but be performed prior to transmission if decoding is taught**]; discussing pluralities of notifications are each encrypted prior to transmission from said server.

**As per claim 71:** See col.11, lines 17-18 and col.14, lines 1-5 [**the notifications and frequencies are encoded and scrambled not the content**]; discussing a plurality of parts of said content are not encrypted prior to transmission from said server.

**As per claim 72:** See col.11, lines 11-22, col.12, lines 6-10, and col.19, lines 58-64; discussing a transmitting said part of said content of said communication path, said automatically switching to said communication path, said transmitting said another part of said content on said another communication path, and said automatically switching to said another communication path prevent a non-authorized viewer from viewing said plurality of parts of said content.

**As per claim 73:**

A method for controlling access to a content transmitted over a plurality of communication paths, the method comprising:  
transmitting to a subset of a plurality of clients in a secure manner mapping information for a content transmitted over said plurality of communication paths to said plurality of clients; [**COL.6, lines 27-33 and COL.11, lines 1-22**]

switching automatically by said subset of a plurality of clients to a communication path of said plurality of communication paths that is transmitting said content; **[COL.19, lines 58-64]**

signaling said subset of said plurality of clients with modified mapping information on a repeated basis during a course of a viewed presentation; and **[COL.8, lines 18-38 and COL.14, lines 6-10 and 55-57]**

transmitting another notification of another communication path on which another part of said content will be transmitted at another given time from said server to said client; **[COL.20, lines 9-12 and COL.21, lines 6-15]**

switching automatically by said subset of a plurality of clients to a modified communication path of said plurality of communication paths based on said modified mapping information. **[COL.20, lines 10-12]**

**As per claim 74:** See col.19, lines 55-68; discussing switching automatically by said subset of a plurality of clients to communication path and to said modified communication path are performed without interfering with a continuity of a presentation of said content on said subset of said plurality of clients.

**As per claim 75:** See col.19, lines 3-5 and 55-67; discusses switching automatically by subset of said plurality of clients to said communication path and to said modified communication path are performed without a viewer of said content knowing of said switching.

**As per claim 76:** See col.17, lines 15-20; discusses mapping information is transferred via a dedicated communication path.

**As per claim 77:** See col.21, lines 4-15; discusses a signaling said plurality of clients with modified mapping information is repeated at irregular intervals.

**As per claim 78:** See col.19, lines 3-5 and col.21, lines 5-15; discusses signaling said plurality of clients with modified mapping information is repeated at semi-random intervals.

**As per claim 79:** See col.20, lines 8-13; discusses signaling said plurality of clients with modified mapping information is repeated at intervals determined dynamically.

**As per claim 80:** See col.13, lines 30-34 and col.17, lines 15-20; discussing dynamically selecting a next content transmission communication path.

**As per claim 81:** See col.20, lines 8-13; discussing a modified mapping information comprises an indication to allow for switching of said next transmission communication path at a given time.

**As per claim 82:** See col.20, lines 45-48 and col.46-50, lines ; discussing a indication comprises a frame number of said content.

**As per claim 83:**

A system for controlling access to a content comprising:  
a plurality of communication paths; a server; **[COL.9, lines 25-30]**

a plurality of notifications for determining a sequence of transmission of a content having a plurality of parts via said plurality of communication paths; and **[COL.13, lines 30-34 and COL.19, lines 3-5]**

a client coupled to said server via said plurality of communication paths; **[COL.11, lines 15-18]**

wherein said plurality of notifications are transmitted from said server to said client; **[COL.9, lines 55-66]**

wherein said plurality of parts of said content are transmitted from said server over said plurality of communication paths according to said sequence of transmission; **[COL.11, lines 1-22 and COL.17, lines 15-20]**

and wherein said client obtains said plurality of parts of said content by automatically switching communication paths in accordance with said sequence of transmission of said content based on said plurality of obtained notifications. **[COL.19, lines 55-68]**

**As per claim 84:** See col.21, lines 4-15; discussing a plurality of notifications are transmitted from said server at irregular intervals.

**As per claim 85:** See col.20, lines 8-13; discussing a sequence of transmission determines which communication paths contain which parts of said content at a given time.

**As per claim 86:** See col.6, lines 28-29, col.11, lines 61-64, and col.40, lines 58-63 **[encoding the notifications but be performed prior to transmission if decoding is taught];** discussing a plurality of notifications are each encrypted

prior to transmission from said server and wherein said plurality of notifications are decrypted at said client.

**As per claim 87:** See col.11, lines 17-18 and col.14, lines 1-5 [**the notifications and frequencies are encoded and scrambled not the content**]; discussing a plurality of parts of said content are not encrypted prior to transmission from said server.

**As per claim 88:** See col.9, lines 25-27; discussing a content comprises a continuous stream of an individual television program.

**As per claim 89:** See col.9, line 67 thru col.10, line 4 [**CATV can be used for internet connections to provide digital data across from subscriber to subscriber, therefore a web page is necessary for internet usage**]; discussing a content comprises a web page.

**As per claim 90:**

A system for controlling access to a content comprising:  
a content having a plurality of parts; [**COL.11, lines 1-22**]  
a plurality of communication paths; a server; [**COL.9, lines 25-30**]  
and a plurality of encrypted notifications, each of said plurality of encrypted notifications notifying a client of a communication path on which a corresponding part of said content will be transmitted at a given time; [**COL.20, lines 8-13 and 66-68 and COL.42, lines 2-25; encoding the notifications but be performed prior to transmission if decoding is taught**]

wherein said server repeatedly transmits an encrypted notification of said plurality of notifications until all parts of said content have been transmitted.

**[COL.6, lines 15-22 and COL.14, lines 6-10 and 55-57]**

**As per claim 91:** See col.9, lines 25-27; discussing a content comprises a continuous stream of an individual television program.

**As per claim 92:** See col.21, lines 4-15; discussing a plurality of notifications are transmitted from said server at irregular intervals.

**As per claim 93:** See col.6, lines 27-29 and col.11, lines 61-64 col.21, lines 30-32; discussing a client for obtaining said plurality of parts of said content and wherein each of said plurality of notifications is decrypted prior to said client obtaining said corresponding part of said content.

**As per claim 94:** See col.11, lines 17-18 and col.14, lines 1-5 [**the notifications and frequencies are encoded and scrambled not the content**]; discussing a plurality of parts of said content are not encrypted prior to transmission from said server.

**As per claim 95:** See col.19, lines 58-64; discussing a client for obtaining said plurality of notifications and wherein said client obtains said plurality of parts of said content by automatically switching communication paths in accordance with a sequence of transmission of said content based on said plurality of obtained notifications.

**As per claim 96:**

A system for controlling access to a content comprising:

an individual television program having a plurality of parts; **[COL.6, lines 15-27]**

a plurality of communication paths; a selected client; **[COL.9, lines 25-30]** and a server coupled to said client via said plurality of communication paths, **[COL.17, lines 5-20]** said server transmitting a notification to said client of a communication path of said plurality of communication paths on which a part of said program will be transmitted at a given time **[COL.18, lines 15-17]** and transmitting another notification to said client of another communication path of said plurality of communication paths on which another part of said program will be transmitted at another given time; **[COL.20, lines 8-12]** wherein said client automatically switches to said communication path at said given time and automatically switches to said another communication path at said another given time; **[COL.19, lines 58-64 and COL.21, lines 6-15]** wherein said plurality of notifications are transmitted from said server to said client at irregular intervals; **[COL.8, lines 20-27]** and wherein said plurality of notifications is each encrypted at said server. **[COL.6, lines 27-33 and COL.20, lines 66-68]**

**Conclusion**

\*\*\*For more details and information regarding the rejections above, please refer to Beyers, II et al. on col.5, line 34...Et. SEQ.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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